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Linda McCulloch
Superintendent

DATE: March 4, 2002

TO: School Food Authority Administrators

FROM: Christine Emerson, Director
School Nutrition Programs

SUBJECT: School Food Authorities (SFAs) and the Buy American Provision

The Child Nutrition Reauthorization Act of 1998 requires schools and institutions participating in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) to purchase, to the maximum extent practicable, domestic commodities or products for use in meals served under the NSLP and SBP.

The legislation defines "domestic commodity or product" as one that is produced in the United States and is processed in the United States substantially using agricultural commodities that are produced in the United States. The report accompanying the legislation stipulated that "substantially" means that over 51 percent of the final processed products consists of agricultural commodities that were grown domestically.

Regulations implementing these requirements were published on September 20, 1999. Nevertheless, the domestic food industry continues to express concerns that program funds are being used to purchase foreign agricultural products.

Given the importance that Congress attaches to the "Buy American" provision and the role this provision plays in helping to stabilize the American agricultural economy, it is essential that SFAs understand the need to ensure that all purchases of agricultural commodities and food products comply with this statutory provision. The provision should be included in bid specifications to ensure compliance. Please note that this provision applies to all funds in the food service account and not just to federal reimbursement.

Please call Christine Emerson, School Nutrition Director, at (406) 444-2502 or Holly Humphrey, School Nutrition Specialist, at (406) 444-4413 if you have any questions.